

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

ORDER

**Ved Prakash Doda vs. Rajasthan State Road
Transport Corporation
through its Manager & Anr.
(S.B.C.Writ Petition No.81/03)**

Date of Order :- 16th October, 2006.

PRESENT

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Harish Purohit, Advocate for the petitioner.
Smt. Suman Porwal, Advocate for the respondents.

The petitioner has challenged the order dated 4.1.2003 by which the respondents retired him compulsorily invoking Rule 18-D(1) of the Standing Orders of 1965.

Case of the petitioner is that he was appointed as conductor by the Rajasthan State Road Transport Corporation on 12.3.1974. Argument of the petitioner is that some of the penalties orders passed against him were not so serious as to make him completely un-useful for service inasmuch as he could not be declared a deadwood so as to be chopped off and shunted out from service by way of compulsory retirement. The order

passed by the respondents was illegal. The petitioner has challenged validity of clause 18-D(1) of the Standing Order, 1965 and has prayed that same be declared ultra vires to Articles 14 and 16 of the Constitution of India. According to the petitioner said clause confers unbridled and unguided powers on the functionaries of the Corporation inasmuch as it gives them a liberty to adopt the method of pick and choose and generate discrimination amongst the employees of the corporation.

The respondents have contested the writ petition by filing reply and argued that there were number of adversities against the petitioner owing to which he had become liability to the service and his continuation in service had become undesirable. While the petitioner was serving as conductor, he was found on number of occasions carrying passengers without tickets and during the span of his service career starting from 1974 till he was compulsorily retired, penalties were imposed upon him on as many as 11 times so much so even when he was compulsorily retired, two disciplinary enquiries initiated pursuant to charge sheet dated 11.8. 1998 and 20.11.1999 respectively also on similar charges were pending against him. The following are the details of the penalties imposed on the petitioner which have been referred in the reply to the writ petition:-

CHARGE SHEET NO. AND DATE	GIST OF CHARGES-	NO. AND DATE OF PUNISHMENT-	DETAILS OF PUNISHMENT-		
1. 64/26.6.74	15/6/74 Vehicle No.5976 PDP-GNR Checked CC Head Four passengers WITHOUT TICKET	916 DTD.17/7/74	WARNING		
2. 3523/1.3.75	14/2/75 Vehicle No.5525 GNR-RSN Checked at Chunawad 4 passengers without ticket	1485 Dtd.1/7/75	Withholding of One AGI without cumulative effect and forfeiture of wage during period of suspension.		
3. 2910/9.1.75	10/11/74 V.No. 8556 GNR-DLI 14 passengers without ticket		Removal of service and forfeiture of wage during period of suspension.		
2941/23.9.75	21/8/75 V.No. 7754 Moga-HMG 24 passengers without ticket	6490/Dtd.2/11/76 1128 Dtd.25/7/77	Appeal against penalty allowed partly. Stoppage of one AGI with cumulative effect.		
4. 7751/22.9.78	3/8/78 V.No.852 GNR-FZR checked at Ferozpur 12 Passengers without ticket.	432 Dtd. 30/1/80	Stoppage of 2 AGI with cumulative effect forfeiture of wage during period of suspension.		
5. 478/1.2.79	26/12/78 V.No.9618 PDP-GNR checked before Chunawad, Six passengers without ticket	11/1.1.4.80	APPEAL against order partly allowed withholding of 3 AGI with cumulative effect forfeiture of wage during period of suspension.		
6. 4675/1.11.85	Deposition of Cash late	4110 dtd. 18/11.86	Fine Rs.50/- service recorded warning		
7. 2228/2.4.92	Realisation of excess fare from 11 passengers while working on Booking	3952 Dtd.25.6.94	2 AGI without cumulative effect.		
8. 816/25.2.97	Verified Cash 876 instead Rs.893/- while working with checking section	135 Dtd. 5/1/02	Fine Rupees 550/-		
9. 2599/16.6.97	Verified Cash 3377/50 instead of 3477/50 while working with checking section	136 Dtd.5/1/02	Fine Rupees 550/-		
10.5175/4.9.01	Verified Cash Less by 106 of actual while working with checking section	134 Dtd.5/1/02	Fine Rupees 500/-		

Note: PENALTIES IMPOSED UNDER ORDER DATED 30/1/80 AND 1/4/80 WERE SUBSTITUTED BY INDUSTRIAL TRIBUNAL BIKAR BY WITHHOLDING OF ANNUAL GRADE INCREMENTS WITHOUT CUMULATIVE EFFECT

INSTEAD OF WITH CUMULATIVE EFFECT.

So far as challenge to the validity of Clause 18D(1) of Standing Orders, 1965, this Court in Prem Chand Chauhan vs. R.S.R.T.C. & Anr. (S.B.C. Writ Petition No. 4150/2001) decided on 25th July, 2006, has already upheld its validity and held it intra-vires of Articles 14 and 16 of the Constitution. The challenge to the validity of clause 18-D(1) is accordingly rejected.

On merits also, I am satisfied that in view of the number of penalties imposed on the petitioner almost at regular intervals the impugned order cannot be faulted with. Most of the penalties pertain to the charges of carrying passengers without tickets. In fact in some instances number of passengers were so high as 11, 12, 14 and 24 etc. These instances reveal that petitioner had almost become habitual in repeating such delinquencies with impunity. Apart from this, two other disciplinary enquiries were also pending against him even at the time when he was compulsorily retired. One wonders if this was not a fit case for removal. Having retired the petitioner compulsorily, the respondents have taken a lenient view because of length of his service which by now was almost three decades. There was sufficient material with the respondents to arrive at

the satisfaction that the petitioner had become a deadwood to be chopped off and had become a liability to the service.

In the result, I do not find any merit in the writ petition. The same is accordingly dismissed. There shall be no order as to costs.

(MOHAMMAD RAFIQ),J.